

AFFIDAVIT

I, Raymundo Ramos, being duly sworn, state as follows:

Introduction and Agent Background

1. I am a Border Patrol Agent (BPA) of the United States Border Patrol (USBP), a component of Customs and Border Protection (CBP) within the Department of Homeland Security (DHS). I have been so employed since August 28, 2017. I am currently assigned to the Swanton Border Patrol Station in Swanton, Vermont as the prosecution agent for Swanton and Richford Border Patrol Stations.

2. This affidavit is offered in support of an application for a criminal complaint. I believe the information described below establishes probable cause that Tomas Lopez-Ramos, a citizen of Guatemala and an alien to the United States, was found in the United States after previously being removed, without having obtained the permission of the Attorney General or the Secretary of Homeland Security of the United States to re-apply for admission into the United States, in violation of 8 U.S.C. § 1326(a).

3. I have not set forth all facts I know from my investigation into this matter. Rather, I have included facts I believe establish probable cause that Lopez-Ramos committed the described offense. I am familiar with the facts and circumstances described below from my own investigation and from my discussions with other agents involved in the investigation. Unless otherwise specified, the statements described herein are related in sum and substance and are not intended as direct quotations.

Probable Cause

4. On January 27, 2023, at approximately 7:50 pm, Swanton Sector Communications (Dispatch) notified USBP agents of the Richford Border Patrol Station that Dispatch had

received a series of alerts from remotely operated cameras showing at least three people walking west near the US-Canada border in the vicinity north of Dandurand Road in Franklin, Vermont. The cameras are activated by motion within their field of view; they automatically record images when motion is detected and transmit them to USBP computer systems where they can be viewed by USBP personnel. USBP agents place cameras in areas known to have been used by smugglers or undocumented aliens attempting to cross the border without inspection by immigration officers.

5. Agents from the Richford Station responded to investigate the camera alerts and determine if an alien-smuggling event was in progress, but they were initially unable to locate the subjects seen in the remote camera images. BPA Jeff Vining was on duty at the time of the camera activation, and he parked his marked Border Patrol vehicle at a pull off where Vermont Routes 235 (VT-235) and Vermont Route 207 (VT-207) intersect so that he could observe vehicles traveling east and west.

6. At approximately 8:30 pm on January 27, 2023, a white Buick Enclave SUV with Alabama plates passed BPA Vining's location traveling east on RT-235 at what he perceived to be a slow rate of speed. As the vehicle passed, he could see two occupants in the driver and front passenger seats. BPA Vining continued watching the SUV travel east on RT-235 until it was no longer visible and relayed his observations to other Richford Border Patrol Agents in the area. This remote area is approximately one mile from the US/Canadian International Boundary. RT-235/RT-207 is also the functional equivalent of a border road, and BPAs understand it to be a route of egress used by smugglers to move humans and contraband illegally into the United States from Canada. A map of the area appears below.



7. Moments later, BPA Nathan Arnold, who was watching an area near Pidgeon Hill Road frequently used to load into cars people who have crossed the border without inspection, saw a SUV matching BPA Vining's description pull into the driveway of a residence and then turn around. During that time, BPA Vining repositioned his vehicle near the intersection of VT-235 and Dandurand Road. Shortly after repositioning his vehicle, BPA Vining saw the Buick Enclave traveling back west on VT-235 past his location. BPA Vining began following the Buick Enclave and requested record checks of the SUV's license plate through dispatch. Dispatch said that the vehicle was registered in Alabama to Miguel Jimenez-Ortiz.

8. At approximately 8:45 pm, BPA Vining stopped the Buick Enclave near the intersection of VT-207 and Tarte Road in Highgate, Vermont. BPA Vining approached the SUV and identified himself as a Border Patrol Agent and questioned the occupants about their citizenship and reason for being in the area. The driver stated that he was in the area to visit family and presented a Guatemalan driver's license, which listed his name as Miguel Jimenez-Ortiz. After further questioning, the driver and the two other occupants admitted being present in the United States without proper documentation. BPA Vining detained the driver in his USBP vehicle and later transported him to the Richford Station for further investigation and processing.

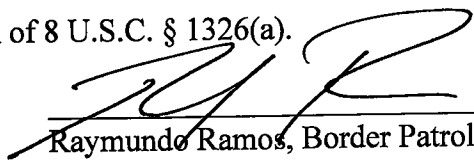
9. At the Richford Border Patrol Station, the SUV driver was fingerprinted, and those fingerprints were run through USBP computer systems that maintain records of aliens with prior immigration interactions with U.S. authorities. The driver's fingerprints matched those for Tomas Lopez-Ramos, who had been previously deported and removed from the United States. When presented with this information, the driver admitted that his true name was Lopez-Ramos and that he lacked immigration status in the United States. He also claimed to have last entered the United States illegally near Laredo, Texas, in 2004.

10. USBP computer records show that Lopez-Ramos was ordered removed by an immigration judge on September 17, 2002, in El Paso, Texas, and was removed by airplane on October 16, 2002. Those records also show that Lopez-Ramos was found in the United States by U.S. authorities on two later occasions and removed based on the 2002 order, first in April 2004 and again in May 2009. Record checks also show that Lopez-Ramos previously used multiple aliases and had misdemeanor convictions for driving while intoxicated and failing to appear in 2002 (Texas) and domestic violence in 2022 (Alabama). Finally, the computer records reflect an absence of consent by the Attorney General or the Secretary of the Department of Homeland Security for Lopez-Ramos re-applying for admission to the United States.


11. There were two passengers in the Buick Enclave: one adult male and one juvenile male. They were questioned at the site of the vehicle stop as to their immigration status, and each was preliminarily determined to be a citizen of Guatemala without legal status in the United States. The passengers were detained and transported to the Richford Station for processing and further investigation. Both passengers were identified and found to lack authorization to be present in the United States.

Conclusion and Request

12. Based on the foregoing information, I submit there is probable cause to believe that Tomas Lopez-Ramos, a citizen of Guatemala and an alien to the United States, was found in the United States after having been previously removed, without having obtained the permission of the Attorney General or Secretary of Homeland Security of the United States to re-apply for admission into the United States, in violation of 8 U.S.C. § 1326(a).


Raymundo Ramos, Border Patrol Agent
U.S. Border Patrol

Subscribed and sworn to before me in person on this 29th day of January 2023.


HONORABLE KEVIN J. DOYLE
United States Magistrate Judge
District of Vermont